

立法會
Legislative Council

LC Paper No. CB(2)774/11-12
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by the Administration)

Ref : CB2/PL/HA

Panel on Home Affairs

Minutes of meeting
held on Tuesday, 15 November 2011, at 8:30 am
in Conference Room 3 of the Legislative Council Complex

- Members present** : Hon IP Kwok-him, GBS, JP (Chairman)
Hon KAM Nai-wai, MH (Deputy Chairman)
Hon James TO Kun-sun
Hon CHEUNG Man-kwong
Dr Hon Philip WONG Yu-hong, GBS
Hon WONG Yung-kan, SBS, JP
Hon Miriam LAU Kin-yee, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon Timothy FOK Tsun-ting, GBS, JP
Hon CHEUNG Hok-ming, GBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Dr Hon LAM Tai-fai, BBS, JP
Hon CHAN Hak-kan
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon Paul TSE Wai-chun, JP
Hon Tanya CHAN
- Member attending** : Hon WONG Kwok-hing, MH
- Members absent** : Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP
Hon WONG Yuk-man

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Public Officers : Agenda item III
attending

Home Affairs Bureau

Mr TSANG Tak-sing, GBS, JP
Secretary for Home Affairs

Mr Raymond YOUNG, JP
Permanent Secretary for Home Affairs

Home Affairs Department

Mrs Pamela TAN, JP
Director of Home Affairs

Mr Jack CHAN
Deputy Director of Home Affairs (2)

Agenda item IV

Home Affairs Bureau

Mr TSANG Tak-sing, GBS, JP
Secretary for Home Affairs

Mr Raymond YOUNG, JP
Permanent Secretary for Home Affairs

Mr CHENG Yan-chee, JP
Deputy Secretary for Home Affairs (1)

Agenda item V

Home Affairs Bureau

Mr TSANG Tak-sing, GBS, JP
Secretary for Home Affairs

Mr Raymond YOUNG, JP
Permanent Secretary for Home Affairs

Mr Benjamin MOK
Principal Assistant Secretary for Home Affairs
(Recreation and Sport)

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Hong Kong Sports Institute

Dr Trisha Leahy
Chief Executive

Clerk in attendance : Mr Thomas WONG
Chief Council Secretary (2)2

Staff in attendance : Ms Alice LEUNG
Senior Council Secretary (2)2

Miss Jasmine TAM
Council Secretary (2)2

Miss Emma CHEUNG
Legislative Assistant (2)2

Ms Carol LAM
Clerical Assistant (2) 2

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I. Information paper(s) issued since the last meeting

[LC Paper No. CB(2)232/11-12]

Members noted the paper entitled "Potential capital works items to be submitted to the Public Works Subcommittee in the 2011-2012 legislative session" issued since the last meeting on 14 October 2011.

2. The Chairman reminded members to return the reply slip attaching the aforesaid paper to the Legislative Council ("LegCo") Secretariat on or before 17 November 2011 to indicate the items to be submitted to the Public Works Subcommittee in the 2011-2012 session that would likely require discussion by the Panel on Home Affairs ("the Panel").

II. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)262/11-12]

Updated list of outstanding items for discussion

3. The Chairman informed members that he and the Deputy Chairman

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held an informal meeting with the Secretary for Home Affairs ("SHA") on 24 October 2011 to discuss the work plan of the Panel for the 2011-2012 session. The list of outstanding items for discussion [Appendix I to LC Paper No. CB(2)262/11-12] had been updated taking into account the outcomes of the aforesaid meeting. Members did not raise any particular views on the updated list.

Issues relating to charitable trusts

4. The Chairman informed members that he had received a letter dated 25 October 2011 from Mr Paul TSE, which was tabled at the meeting, proposing the Panel to discuss issues relating to charitable trusts, having regard to the wide public concern about the Chinachem Charity Trust. To facilitate members' consideration of Mr TSE's proposal, he had instructed the Clerk to request the Administration to provide a written response. According to the Administration's written response tabled at the meeting, the Home Affairs Bureau ("HAB") was neither the subject policy bureau for charities or charitable trusts nor the authority to consider and grant approval for charitable fund-raising activities. At the Chairman's request, SHA undertook to provide supplementary information on which policy bureaux were responsible for the subject matter.

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[Post-meeting note: The aforesaid letter from Mr Paul TSE and the Administration's written response dated 11 November 2011 were circulated to members vide LC Paper Nos. CB(2)318/11-12(01) and (02) respectively on 15 November 2011.]

Regular meeting on 9 December 2011

5. Members agreed that the following items be discussed at the next regular meeting on 9 December 2011 -

- (a) Community Care Fund; and
- (b) Enhanced support services for ethnic minorities and new arrivals from the Mainland.

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III. Creation of a supernumerary directorate post in the Home Affairs Department to support the initiatives of regulation of property management industry and review of the Building Management Ordinance

[LC Paper No. CB(2)262/11-12(01)]

6. At the Chairman's invitation, SHA briefed members on the Administration's staffing proposal to create a supernumerary Administrative Officer Staff Grade C ("AOSGC") (D2) post in the Home Affairs Department for three years with immediate effect upon approval by the Finance Committee ("FC") to undertake the legislative exercise to establish a licensing regime for the property management industry and review the Building Management Ordinance (Cap. 344) ("BMO"). SHA added that the Administration intended to submit the staffing proposal to the Establishment Subcommittee ("ESC") in December 2011 and FC in January 2012.

Duties of the proposed AOSGC post

7. The Deputy Chairman queried why the duties of the proposed AOSGC post could not be absorbed by the Assistant Director of Home Affairs (4) ("ADHA(4)", who was overseeing and familiar with matters relating to building management. He opined that there should have a more imminent need for more frontline instead of managerial staff for, among others, the implementation of the Mandatory Building Inspection Scheme and the Mandatory Window Inspection Scheme, which were conducive to effective building management and related to the regulation of the property management industry.

8. Director of Home Affairs ("DHA") advised that the proposed AOSGC post was to provide the necessary directorate support for the initiatives announced in the 2010-2011 Policy Address to introduce a statutory licensing regime for the property management industry and to review BMO. As these initiatives would have significant impact on owners, residents, the industry and practitioners, the proposed AOSGC post was expected to take up heavy policy and legislative work. ADHA(4) had been fully occupied with various building management issues, including the implementation of the Building Management Professional Advisory Service Scheme piloted in 2010 and the promotion of building care culture, and therefore would not be able to absorb the duties of the proposed AOSGC post.

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9. Referring to paragraph 17 of the Administration's paper, the Chairman enquired whether the Senior Administrative Officer and the non-civil service contract staff, which were proposed to be created to support the proposed AOSGC post, would lapse after three years, as would the proposed AOSGC post. DHA responded in the affirmative.

Regulation of the property management industry

10. Ms Miriam LAU said that she had no objection to the proposed AOSGC post, as she supported the regulation of the property management industry. Referring to paragraph 5 of the Administration's paper, she sought information on –

- (a) the existing regulatory regimes, such as the licensing schemes administered by the Estate Agents Authority and the Security and Guarding Services Industry Authority, with which the Administration might make reference to formulating the future licensing regime for the property management industry;
- (b) how to collect the proposed levy, which would be a major funding source of the proposed regulatory body of the property management industry;
- (c) the justification for proposing a transitional period of three years before full implementation of the licensing regime for the property management industry, given that a transitional period of one year only had been allowed after the enactment of the relevant legislation and before the implementation of the more complicated licensing scheme for the security and guarding services industry; and
- (d) whether to appoint professionals with financial and accounting backgrounds to the proposed regulatory body, with a view to facilitating early identification and effective regulation of the problems of individual property management companies, which mainly related to unclear financial and accounting records.

11. Permanent Secretary for Home Affairs ("PSHA") advised that -

- (a) the Advisory Committee on the Regulation of the Property Management Industry to be set up by the Administration by

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the end of 2011 would include professionals from relevant sectors. It would also make reference to relevant existing regulatory regimes in working out the details of the licensing regime for the property management industry;

- (b) the proposed levy on property transactions would be collected through a simple mechanism, such as the one for the stamp duty;
- (c) the length of the transitional period before full implementation of the licensing regime for the property management industry had yet to be finalized. The Administration however initially considered that a three-year transitional period might be more appropriate to allow more time for the companies and practitioners to get prepared; and
- (d) members of the proposed regulatory body would be drawn from the property management industry, related professions and the community.

Review of BMO

12. The Deputy Chairman sought information on the Administration's timetable for the review of BMO. DHA responded that the Administration had established a committee in January 2011 to review BMO. Upon receipt of the committee's interim report scheduled for submission by the first half of 2012, the Administration would study the recommendations carefully and prepare amendment proposals for consideration by LegCo.

13. The Chairman concluded that members raised no objection to the Administration's submission of the staffing proposal to ESC and FC for consideration.

IV. Hostel for single youths

[LC Paper Nos. CB(2)262/11-12(02) and (03)]

14. SHA briefed members on the Government's initiative to support interested non-governmental organizations ("NGOs") to use part of the land granted to them by the Government for "Government, Institution or Community" ("GIC") use to build hostels for single youths ("the initiative") [LC Paper No. CB(2)262/11-12(02)].

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Positioning of the initiative

15. Mr WONG Sing-chi opined that the proposed project was not well thought out and not clearly positioned. In his view, encouraging youths to be independent did not mean encouraging them to live away from family. Noting that some NGOs had already been operating hostels for youths, he queried whether the Administration needed to provide similar hostels and whether the demand for them was supported by any statistical analysis. He expressed worry that the proposed hotels might turn out to be guesthouses or holiday camps. SHA expressed support for family values and solidarity and assured members that the proposed hostels would not become guesthouses or holiday camps. Such hostels would not be profit-oriented but would provide convenience to working youths and help them meet their aspiration for having a private living space.

16. Ms Cyd HO expressed support for the interim provision of subsidized housing units to working youths in need but shared Mr WONG Sing-chi's view that the initiative lacked clear positioning. She called on the Administration to address the long-term housing needs of youths, such as helping them move to public rental housing units or other non-subsidized housing.

17. In response to Ms Cyd HO's query on whether the existing hostel services provided by some NGOs (such as Caritas Hong Kong and Hong Kong Young Women's Christian Association) had served the developmental needs of youths, SHA said that the operation of some hostels had been following commercial principles in general. The NGOs concerned had not discussed the initiative with the Administration.

18. Mr CHEUNG Kwok-che, Mr WONG Kwok-hing, Mr CHAN Hak-kan, Prof Patrick LAU, Mr CHEUNG Man-kwong and Ms Miriam LAU expressed support for the initiative. The Deputy Chairman believed that the initiative should be welcomed by youths. Mr CHEUNG Man-kwong considered it unacceptable that working youths had to live in subdivided units and therefore expressed support for the initiative, which had been clearly positioned to meet the aspiration of working youths to have their own living space as stated in the 2011-12 Policy Address. He further considered that the initiative should be an interim measure to facilitate working youths to accumulate resources to look for long-term accommodation, and called on the Administration to formulate a long-term policy to address the housing needs of youth.

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Interested NGOs

19. Mr CHEUNG Kwok-che sought information on the number of NGOs which had expressed interest in the initiative. PSHA advised that at present, about five to six NGOs had expressed interest in the initiative and most of them had been granted with GIC sites. Considering the differences in land lease conditions, NGOs might have different plans in developing the hostels. Since change of land lease conditions might be involved, payment of land premium might be entailed but the amount of payment should not be significant, as the proposed hostels were non-profit making.

Number of hostel places

20. Mr CHEUNG Kwok-che and Miss Tanya CHAN sought information on whether the Administration had any target number of the proposed hostel places to be provided. Miss Tanya CHAN also asked about the basis on which the target number, if any, was calculated. The Deputy Chairman and Mr CHAN Hak-kan asked when the first batch of the proposed hostel places would be made available and the number of places involved. SHA advised that the Administration did not set a target number for the provision of hostel places but hoped that the interested NGOs would fully utilize the GIC sites granted to them. He also advised that different interested NGOs were in different stages of preparation for the initiative. The Administration wished to make available the first batch of hostel places, which was estimated to be a few hundreds, as early as possible.

Location

21. Mr CHEUNG Kowk-che, Mr WONG Sing-chi and Ms Cyd HO sought information on the geographical distribution of the proposed hostel places. PSHA advised that the GIC sites to be used by interested NGOs for building the proposed hostels were located in various districts on the Hong Kong Island as well as in Kowloon and the New Territories.

Target beneficiaries

22. The Deputy Chairman enquired whether young working couples would be eligible for the proposed hostel places. SHA stressed that the proposed hostels would be for youth development purposes and were not to address the housing demand of young people or young couples.

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Income limit

23. Noting from paragraph 7(e) of the Administration's paper that a proposed maximum income limit for hostel tenants would be the 75th percentile of the monthly employment earnings of employed persons aged 18 to 30, which was \$14 000, Mr WONG Kwok-hing asked whether the income limit could be lowered to the range of \$9 000 to \$11 000, as the working youths within this income range should have the highest demand for the proposed hostel places and greatest difficulty in affording the current high living cost and surging rents of private flats. Mr WONG also asked whether a minimum income limit for hostel tenants should be set. SHA advised that the proposed maximum income limit was an outcome of the preliminary discussion between the Administration and interested NGOs. Deputy Secretary for Home Affairs (1) supplemented that the proposed maximum income limit was comparable to the current median starting salary of a university graduate, which was about \$13 000 to \$14 000. It should allow flexibility for NGOs to set reasonable hostel rents to cater for working youths with different levels of affordability. The Administration was inclined to set a maximum income limit rather than a minimum one for hostel tenants, so as to ensure that the limited hostel places would be available to youths in genuine need.

Hostel rents

24. Mr CHAN Hak-kan, Dr LAM Tai-fai and Prof Patrick LAU raised concern about how to determine the rental level of the proposed hostel places and keep it reasonable and affordable. Mr CHAN was worried that the hostel rents would surge if such hostels became more and more luxurious, and suggested that the rental level of such hostels should be set with reference to those of student hostels in local universities.

Turnover of hostel places

25. Noting from paragraph 7(f) of the Administration's paper that the length of tenancy of the proposed hostels might be around five years, Mr WONG Kwok-hing suggested that it could be extended to eight years, so that the tenants would have more time to accumulate more savings for marriage or the down payment in the purchase of a flat. SHA noted Mr WONG's suggestion. The Chairman opined that to facilitate the turnover of hostel places, the length of hostel tenancy should not be too long.

26. Referring to paragraph 7(f) of the Administration's paper, the Deputy Chairman sought details of the Administration's proposal to

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facilitate turnover of the proposed hostel places by offering tenants the most favourable concessionary rent for the initial two to three years of tenancy after which a less favourable rate would be applied to the renewal of one-to-two-year tenancy. SHA advised that the proposed concessionary rents aimed at encouraging tenants not to reside in hostels for long.

27. Ms Miriam LAU expressed doubt over the effectiveness of the Administration's proposed most favourable and less favourable concessionary rents in facilitating the turnover of hostel places in the absence of a specific tenancy limit on tenants who could afford the hostel rents. She suggested imposing a fixed tenancy term of five years on hostel tenants to ensure a better turnover of hostel places. SHA advised that the Administration attached importance to the turnover issue and would refine the proposal.

28. Prof Patrick LAU and the Chairman expressed concern about the design and set-up of the proposed hostels. They considered that it would be desirable for such hostels to provide study areas and private space and bathrooms for tenants. SHA advised that the Administration would discuss with the interested NGOs the design and set-up of the hostels.

Monitoring of hostel tenants

29. Miss Tanya CHAN enquired whether visitors (including those of the opposite sex) would be allowed to stay overnight in the proposed hostel places, whether double-bedded rooms would be provided in such hostels, and whether wardens would be available. SHA responded that the Administration was willing to listen to more views before mapping out the operational details of the proposed hostels.

30. Mr CHEUNG Man-kwong opined that the proposed hostels were to provide a private living space for youths, and therefore should not be used as places to provide education or training to them. Apart from imposing the necessary regulations on drugs and noise, etc., the private life of hostel tenants should be respected.

Monitoring of participating NGOs

31. Dr LAM Tai-fai expressed concern about whether the Administration would put in place an appraisal mechanism to monitor and assess the performance of the participating NGOs in the provision and operation of the proposed hostels. According to his experience in

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running a Direct Subsidy Scheme ("DDS") secondary school, the Education Bureau ("EDB") would conduct a comprehensive review of the performance of a DSS school every five years and would take appropriate action if the school failed to achieve the required performance standards. He asked what action would be taken by the Administration if the hostels were found to be poorly operated or the participating NGOs failed to deliver the hostels or observe the Government's requirements. SHA advised the Administration would put in place a mechanism to monitor the performance of the participating NGOs. It was expected that NGOs might have to return the GIC land to the Government should they fail to implement the initiative.

32. In response to Mr CHEUNG Kwok-che's enquiry about the autonomy of NGOs in the construction and operation of the proposed hostels, PSHA advised that in taking forward the initiative, NGOs would be subject to a framework under which their role and scope of autonomy would be clearly demarcated.

33. Members generally considered that details needed to be worked out to refine the initiative. SHA advised that the Administration would refine the details of the initiative and revert to the Panel later.

V. Support for athletic education and career planning
[LC Paper Nos. CB(2)262/11-12(04) and (05)]

34. At the Chairman's invitation, SHA briefed members on the Administration's plans to strengthen education and career planning support measures for elite athletes.

35. Members generally called on the Administration to continue to enhance the education and career planning support for serving and retired elite athletes, as they had spent their golden days to win honor for Hong Kong.

Education support for elite athletes

36. Noting from paragraph 17 of the Administration's paper the concern of athletes and their families that training as a full-time athlete meant giving up formal education and limiting future career options, Ms Emily LAU asked whether, in addition to tertiary institutions, primary and secondary schools could allow flexibility for elite student athletes to

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pursue their studies while taking part in training or competitions. She also sought information on the relevant overseas experiences.

37. Chief Executive of the Hong Kong Sports Institute ("CE/HKSI") advised that with only a few exceptions such as gymnasts, there was no need to provide professional training to very young children with sports potential. The international trend was that student athletes at the primary school level were advised to stay in school to receive both education and training. To cater for the needs of student athletes, HKSI was studying the feasibility of providing tailor-made in-house secondary education programmes and hoped that the EDB could relax its requirement for students to complete their secondary education within eight years. The Hong Kong Athletes Fund also provided grants to individual elite athletes to pursue their studies at approved overseas colleges or universities if no comparable courses were offered in Hong Kong.

38. Mr CHEUNG Man-kwong asked whether the Administration could reserve some local university places for retired athletes, and if not, whether it was feasible to provide subsidy for them to study abroad. SHA stressed that there was room for expanding the scope of education and career support for elite athletes. Local universities had the autonomy to admit students and some of their programmes, such as those in law and medicine, had strict admission requirements. Nevertheless, they had expressed interest in high-caliber student athletes and might give special consideration to applicants who had achieved outstanding results in sports competitions and applied for sport-related programmes. The Administration would explore the feasibility of subsidizing student athletes to study abroad.

39. The Deputy Chairman expressed disappointment that only 29 athletes had been admitted to local tertiary institutions in 2010 and 2011, as stated in paragraph 6 of the Administration's paper. He sought information on the number of elite athletes who had been nominated by HKSI or the Sports Federation and Olympic Committee of Hong Kong, China ("SF&OC") for admission but were not accepted by local tertiary institutions. He called on the Administration to nominate eligible student athletes to study at overseas universities if suitable programmes were unavailable at local universities. Principal Assistant Secretary for Home Affairs (Recreation and Sports) advised that most of the applicants nominated by HKSI or SF&OC had been accepted by local tertiary institutions, and support had been provided to elite athletes to apply for overseas universities.

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40. Prof Patrick LAU suggested that to allow student athletes at the secondary level more flexibility in their study, tutoring classes should be offered to them if they needed to take leave or skip classes to take part in training and competitions. Physical Education should also be included in General Education programmes to encourage student to take part in sports. SHA reiterated that HKSI was considering the feasibility of developing in-house education programmes for student athletes to better cater for their education and training needs. Whether Physical Education could be counted as a component of General Education would need to be considered by EDB.

41. Declaring that he was a director of HKSI, Dr LAM Tai-fai pointed out that of the 1 100 or so elite athletes receiving training and other support from HKSI, about 300 were studying in secondary schools. Many secondary schools had attached importance to such athletes, including providing tutoring classes and financial assistance to them, but had been constrained by limited resources. He considered that other than verbal encouragement, the Administration had not taken many concrete actions to support such schools. He called on the Administration to provide additional financial support to such schools to nurture elite student athletes on a per capita basis. SHA noted Dr LAM's suggestion.

Career support for elite athletes

42. Mr CHEUNG Man-kwong called on the Administration to offer incentives to private enterprises to provide job opportunities to retired athletes. SHA advised that the government-funded Hong Kong Athletes Career and Education Programme run by SF&OC had provided programmes to retired athletes and those who were about to retire to help them plan for a second career and secure jobs.

Support for non-elite athletes

43. Miss Tanya CHAN considered that non-elite athletes' worry about their education need and career prospect should not be neglected, given their contribution to the sports development in Hong Kong. Miss CHAN called on the Administration to allocate appropriate resources to support them. PSHA advised that the Government's sports policy had not only targeted at elite sports but also covered the development of non-elite sports such as football. Assistance would also be available to individual non-elite athletes in need. Mr Timothy FOK added that SF&OC had been providing education and career support to both elite and non-elite

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athletes, and hoped that the Administration would continue to enhance its support measures, which required cross-departmental inputs.

HKSI

44. At the Deputy Chairman's request, CE/HKSI undertook to provide the views collected by HKSI from elite athletes, as well as other stakeholders, on the education and career support available to them.

45. The Chairman concluded that local elite athletes had won honor for Hong Kong and should not become down and out after retirement from competitions. It was incumbent upon the Administration to provide effective and co-ordinated support to them.

VI. Any other business

46. There being no other business, the meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
12 January 2012